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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHIP-TECH, LTD.,

Plaintiff, and on behalf of all
others similarly situated,

v.

PANASONIC CORPORATION., et al.,

Defendants.

Lead Case No. 3:14-cv-03264-JD

**PLAINTIFFS' ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
CIVIL L.R. 3-12 AND 7-11**

**DEPENDABLE COMPONENT SUPPLY
CORP.,**

Plaintiff, and on behalf of all
others similarly situated,

v.

PANASONIC CORPORATION., et al.,

Defendants.

Case No. 3:14-cv-03300-JD

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply Corp. ("Plaintiffs") submit this administrative motion

requesting the Court to consider whether *Ellis et al. v. Panasonic Corporation et al.*, Case No. 3:14-cv-03815-MEJ (the “*Ellis* Action”), filed in this District on August 21, 2014, should be related to three previously-filed and currently pending actions—*Chip-Tech, Ltd. v. Panasonic Corporation, et al.*, Case No. 3:14-cv-03264-JD, filed July 18, 2014 (the “*Chip-Tech* Action”); *Dependable Component Supply Corp. v. Panasonic Corporation, et al.*, Case No. 3:14-cv-03300-JD, filed July 22, 2014 (the “*Dependable* Action”); and *Schuten Electronics Corp. v. AVX Corporation*, Case No. 3:14-cv-03698-JD, filed August 14, 2014 (the “*Schuten* Action”).

On August 14, 2014, this Court consolidated the *Chip-Tech* Action and the *Dependable* Action for pretrial purposes (Order re Consolidation and Responses to Complaint, Dkt. 65) (together, the “*Consolidated Capacitors Antitrust* Actions”).

Civil Local Rule 3-12(a) provides that actions are related when (1) the actions concern substantially the same parties, property, transaction or event; and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

The *Ellis* Action should be related to the *Consolidated Capacitors Antitrust* Actions because these actions together readily meet the criteria for relation set forth above. The *Ellis* Action alleges facts and asserts claims involving cartel activity and price-fixing that closely track and often repeat verbatim the *Consolidated Capacitors Antitrust* Actions’ respective allegations. For example, the following chart shows sections of the *Ellis* Complaint that recite language and figures identical to the language and figures pled in the *Chip-Tech* Complaint:

<i>Ellis</i> Complaint	<i>Chip-Tech</i> Complaint
¶¶ 1-20	¶¶ 1-20
¶¶ 47-87	¶¶ 22-62
¶¶ 90-93	¶¶ 63-66
¶¶ 94-96	¶¶ 78-80
¶¶ 97-225	¶¶ 81-209

1 Following the Plaintiffs' direction in the *Consolidated Capacitors Antitrust* Actions, the *Ellis*
2 Plaintiffs filed suit to seek recovery on behalf of indirect purchasers of aluminum and tantalum electrolytic
3 capacitors for overcharges paid as a result of certain capacitor manufacturers' violations of the federal
4 antitrust laws during a period running from January 1, 2005 to date. Notably, the class period and
5 products at issue in the *Ellis* complaint are the exact same as those at issue in the *Consolidated Capacitors*
6 *Antitrust* Actions. Similarly, the *Ellis* complaint seeks damages and injunctive relief against the same 28
7 defendants named in the *Consolidated Capacitors Antitrust* Actions.

8 The identity of the allegations in the *Ellis* complaint to the allegations and claims in the
9 *Consolidated Capacitors Antitrust* Actions makes it clear that these cases will require adjudication of many
10 of the same questions of law and fact. Relation of the *Ellis* Action to the *Consolidated Capacitors Antitrust*
11 Actions therefore will promote the conservation of judicial and party resources in these cases and will
12 ensure efficiency in their prosecution and final disposition.

13 Managing the *Ellis* Action separately from the *Consolidated Capacitor Antitrust* Actions would
14 create an unduly burdensome duplication of labor and expenses and could potentially lead to conflicting
15 results.

16 Relation of actions remains entirely at the Court's discretion. Plaintiffs nonetheless note that on
17 August 7, 2014, they filed a Motion to Transfer with the Judicial Panel on Multidistrict Litigation for
18 centralization of all pending capacitors price-fixing cartel in this District and with Your Honor pursuant to
19 28 U.S.C. section 1407.

20 Though the Judicial Panel has yet to hear from the various parties involved in the five currently
21 pending capacitors price-fixing cartel cases (four filed in this District, and one filed in the District of New
22 Jersey) and no order has been issued on the Motion to Transfer, centralization of these cases for pretrial
23 purposes is likely. Accordingly, if these cases ultimately are transferred for centralization, it is highly
24 probable that the *Ellis* Action will be consolidated with the *Consolidated Capacitors Antitrust* Actions.
25 Given the likelihood of this outcome, efficient use of judicial resources and minimizing the potential for
26 conflicting results require that the *Ellis* Action and the *Consolidated Capacitor Antitrust* Actions be
27 considered together.
28

1 In consideration of the foregoing, Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply
2 Corp. respectfully request that the Court relate the *Ellis* Action to the *Consolidated Capacitors Antitrust*
3 *Actions*.

4 Dated: August 26, 2014

JOSEPH SAVERI LAW FIRM, INC.

5 By: /s/ Joseph R. Saveri

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CERTIFICATE OF SERVICE

I am over 18 years of age and am not a party to these proceedings or any of the actions that are the subject of these proceedings. My business address is 505 Montgomery Street, Suite 625, San Francisco, CA 94111.

I am readily familiar with Joseph Saveri Law Firm's practice for collection and processing of documents for mailing with the United States Postal Service, and that practice is that the documents are deposited with the United States Postal Service with postage fully prepaid the same day as the day of collection in the ordinary course of business.

I am also readily familiar with Joseph Saveri Law Firm's practice for collection and processing of documents for service via e-mail, and that practice is that the documents are attached to an email and sent to the recipient's email account the same day as the date listed on the Certificate of Service.

This certificate of service concerns the following document(s):

PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R. 3-12 AND 7-11

Pursuant to Civil Local Rules 3-12(b) and 5-1(h)(2), on Tuesday, August 26, 2014, I served a true and correct copy of the document(s) via the Electronic Court Filings (ECF) system maintained by the United States District Court for the Northern District of California, and caused to be served on the following parties via the U.S. Postal Service:

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<p>Mr. Tsuneo Ohta, President United Chemi-Con Corporation c/o CT Corp. System 818 West 7th Street, 2nd Floor Los Angeles, CA 90017</p> <p><i>General Manager for Nippon Chemi-Con Corporation</i></p>	<p>Mr. Satoshi Sawamura, President and Director ROHM Semiconductor U.S.A., LLC c/o CSC - Lawyers Incorporating Service 2710 N. Gateway Oaks Drive, Suite 150 Sacramento, CA 95833</p> <p><i>General Manager for ROHM Co., Ltd.</i></p>
<p>Mr. Shya Miyazawa, President and CEO Taiyo Yuden (U.S.A.) Inc. c/o Joji Kagei 19191 S. Vermont Ave., Ste. 420 Torrance, CA 90502</p> <p><i>General Manager for Taiyo Yuden Co., Ltd.</i></p>	

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Attorneys for Schuten Electronics, Inc.

Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply Corp. have continued efforts to identify counsel or an agent competent to accept service on behalf of Defendant Toshin Kogyo, Ltd., located at 2-15-4, Uchikada Chiyoda-ku, Tokyo, Japan; or for Defendant Matsuo Electric Co., Ltd., located at 3-5-3 Sennari-cho, Toyonaka-shi, Osaka 561-8558, Japan. Plaintiffs have retained the services of a translator to assist with service under the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the Hague Convention).

Date: August 26, 2014

/s/ James Dallal
 James Dallal